7.5.4 DEBATE AGENDA – REGULATORY SERVICES REPORT

7.5.4.1
SHORT TERM DRY AREA - ANGASTON – BAROSSA BEER AND CIDER FESTIVAL
B1475

Author: Manager, Regulatory Services

PURPOSE
To seek Council’s support for the implementation of a short-term Dry Area in Angaston as part of the management arrangements for the upcoming Barossa Beer and Cider Festival on Sunday 4 November 2018.

RECOMMENDATION
That Council endorse:

1. The implementation of a short term Alcohol Dry Area within the Angaston Central Business District as outlined and attached to the report.

2. The terms of the prohibition as outlined in the draft gazette notice.

3. The Chief Executive Officer (who may then further delegate) to implement the required Notice of Declaration and notify the Commission of Police and authorise the Chief Executive Officer to make any minor amendment to the notice as required to give effect to the short term dry area.

REPORT
Introduction
At the September meeting of Council, Elected Members endorsed a road closure to facilitate an application from event organisers to hold the Barossa Beer and Cider Festival (the Festival) in Angaston.

Recent amendments to the Liquor Licencing Act 1997, which came into effect on 24 September 2018, enables councils to implement short-term Dry Areas. Following a resolution of Council, a short-term Dry Area can be declared by providing a Notice in the Government Gazette at least 14 days prior to the event. Approval of Consumer and Business Services is no longer required for short-term Dry Areas of up 48 hours.

Discussion
SA Police have requested that Council consider implementing a short-term Dry Area in the public areas surrounding the event. The event organiser has pre-sold 1250 tickets for the event. Given the scale, location and nature of the event, officers consider that a Dry Area would assist in providing adequate support to SA Police.
Should Council support the implementation of a Dry Area; it is obliged to provide a Notice within the SA Government Gazette no later than 14 days prior to the event and provide notice to the Commissioner of Police no later than 7 days prior to the event.

A draft Prohibition Notice, containing the terms of the Prohibition, is provided as an attachment to this report.

Elected Members may recall that a recent review of permanent Dry Areas for many of Council’s major towns was undertaken. These permanent Dry Areas are in place from 10:00 pm to 8:00 am.

This report seeks to implement a short term Dry Area between 8:00 am to 10:00 pm on Sunday 4 November 2018. The Dry Area will be in addition to the existing approved areas and aims to prohibit the possession and consumption of alcohol in the public areas outside of the confines of the event.

The designated area will largely mirror that of the permanent areas, save for an extension towards the designated event parking area at the Angas Recreation Park. The terms of the Prohibition reflect the terms of the existing permanent Dry Areas.

Whilst anti-social behaviour is not anticipated, a Dry Area will provide SA Police additional opportunities and tools to address instances of anti-social behaviour associated with the consumption or possession of alcohol should the need arise.

The organisers of the event are in full support and have agreed to meet the costs of placing the Notice in the Gazette.

Council will need to display additional signage to alert the public of the temporary Dry Area.

The implementation of the Dry Area will not impact on the ability for other licenced premises to trade as normal, nor outdoor dining areas with an existing liquor licence. Patrons will still be able to purchase alcohol from main street businesses and carry it through the Dry Area providing it remains unopened.

It will prevent the consumption and carrying of open containers of alcohol in public area within the designated area during the designated times. Contravention of a designated Dry Area is an expiable offence.

**Conclusion**
The implementation of a short term Dry Area is seen as an important step to assist SA Police ensure the safety of the community.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Attachment 1: Request from SA Police
Attachment 2: Draft Gazette Notice and Map of Angaston Dry Area

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**
Community Plan

Health and Wellbeing
2.6 Provide, promote and support community arts and cultural events, programs, attractions and services.
2.12 Contribute to a safer community.
4.16 Support and where appropriate provide advocacy for emergency services, crime prevention and law enforcement.
5.13 Support economic development through events.

Legislation
Liquor Licensing Act 1997

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

**Risk Management**
The implementation of a short term Dry Area as part of the management arrangements for the Festival should assist in reducing the risk of anti-social behaviour associated with the consumption of alcohol in public areas.

The event organisers will also provide 14 Security Guards to manage the behaviour of patrons during and after the event.

**Resource Considerations**
Whist a number of officers have been involved in the assessment of the event application to ensure that appropriate strategies are implemented (to ensure a safe and well run event, and to ensure that minimal disruption is caused to the surrounding area); no further Council resources are expected for the event.

**Financial Considerations**
In order to implement the Dry Area, Council is required to place a Notice (in a prescribed format) within the Government Gazette at least 14 days before the event.

Due to the timing, actual costings had not been received before finalising this report. The estimated cost of placing the Notice in the Gazette is expected to be between $1300 and $1900. This amount is outside of Council’s budget. The event organiser has agreed to meet the costs of the Gazette Notice.

The cost of temporary signage is approximately $275. Which will be funded from existing budget provisions. The signs will be designed to enable them to be reused for other events, should the need arise.

**COMMUNITY CONSULTATION**
Consultation is not required under Policy or Legislative requirements.

Council and event organisers will promote the Dry Area to the community and ticket holders through social media.
Hello Jamie,

As discussed, in line with recent LLA amendments, if you can please progress the implementation of a temporary dry zone for the Angaston CBD and between the Angaston Recreation Park (parking area for subject event) to assist with public safety, timings between the current overnight permanent hours would be appreciated.

Thank you and regards,

Sven Kahl
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Officer in Charge
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SOUTH AUSTRALIA POLICE
KEEPING SA SAFE

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Liquor Licensing (Dry Areas) Notice 2018
Under section 131(1ab) of the Liquor Licensing Act 1997

1. **Short title**
   This notice may be cited as the Liquor Licensing (Dry Areas) Notice 2018.

2. **Commencement**
   This notice comes into operation on 4 November 2018.

3. **Interpretation**
   (1) Pursuant to section 131 (1ab) of the Act, the Barossa Council has declared that consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.
   (2) The prohibition has effect during the periods specified in the Schedule.
   (3) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to:-
      (a) a person who is genuinely passing through the area if-
          (i) the liquor is in the original container in which it was purchased from licensed premises; and
          (ii) the container has not been opened; or
      (b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business; or
      (c) a person who is permanently or temporarily residing at premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.

Schedule—Angaston Area 1

1. **Extent of prohibition**
   The consumption of liquor is prohibited and the possession of liquor is prohibited.

2. **Period of prohibition**
   From 8:00 am on Sunday 4th November 2018 to 10:00pm on Sunday 4th November 2018.

3. **Description of area**
   The area in Angaston bounded as follows: commencing at the point at which the northern boundary of Dean Street intersects the western boundary of Schilling Street, then north-westerly along the western boundary of Schilling Street and the prolongation in a straight line of that boundary to the northern boundary of Murray Street, then south-westerly along that northern boundary of Murray Street to the eastern boundary of Middle Street, then north-westerly along that boundary of Middle Street and the prolongation in a straight line of that boundary to the northern boundary of Newcastle Street, then south-westerly along that boundary of Newcastle Street to the southern boundary of Lot 708 DP 1573, then generally south-westerly and north-westerly along the southern boundary of Lot 708 and of the adjoining allotments (Lot 103 DP 23247, Lot 102 DP 23247, Piece 53 DP 45842 and Lot 54 DP 45843) to the eastern boundary of Penrice Road, then north-westerly along that boundary of Penrice Road to the point at which it intersects the prolongation in a straight line of the northern boundary of Lot 753 DP 1573, then generally south-westerly along that prolongation and boundary of Lot 753 to the point at which it meets the north-eastern boundary of Lot 269 FP 172530, then north-westerly and south-westerly along the north-eastern and north-western boundaries of Lot 269 and the prolongation in a straight line (across Murray Street) of the north-western boundary of that Lot to the southern boundary of Murray Street, then south-easterly along that boundary of Murray Street to the south-eastern boundary of Piece 91 of FP 170445 (the north-western boundary of South Terrace), then south-westerly along that boundary of Piece 91 and the prolongation in a straight line...
of that boundary to the southern boundary of Fife Street, then south-easterly along that southern boundary of Fife Street to the western boundary of Washington Street, then south-westerly along that boundary of Washington Street to the northern boundary of Evans Street and the prolongation in a straight line to the Southern Boundary of Evans Street, then prolongation in a straight line to the northern boundary of Allot 98 (commonly known as Angas Rec Park), along the northern boundary of that allotment to a point where it intersects the Western Boundary of Park Road, then prolongation in a straight line across Park Road to a point where the Southern Boundary of Evans Street meets Allot 156, then generally in a south-easterly direction along the southern side of Evans Street to a point where it intersects with the prolongation of the western boundary of French Street. Then North-easterly in a straight line across Evans Street to point where the eastern boundary of French Street meets the western corner of Allot 153 (FP 173244) then generally along the South Eastern boundary of French Street to a point where it intersects with the Western Boundary of Sturt Street. Then prolongation in a straight line across Sturt Street to the Eastern Boundary of Sturt Street. Then in a north westerly direction along the eastern boundary of Sturt Street to a point where it intersects with the Southern Boundary of Dean Street. Then prolongation in a straight line in a North-easterly direction to the point of commencement.
The consumption of alcohol and the possession of alcohol is prohibited from 8:00am on Sunday 4th November to 10:00pm on Sunday 4th November 2018.